

## COUNCIL MEETING

July 17, 2019

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, July 17, 2019 at 8:53 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*present at 8:45 a.m.*)  
Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin  
Honorable Ross Kagawa (*present at 9:11 a.m.*)  
Honorable Arryl Kaneshiro

Excused:     Honorable Arthur Brun

### APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda, as circulated, seconded by Councilmember Evslin.

Council Chair Kaneshiro:            Is there anyone in the audience wishing to testify on the agenda?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro:            Seeing none, is there any discussion from the members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii'i were excused*).

Council Chair Kaneshiro:            The motion is carried. Next item is minutes. Clerk, can you please read the minutes.

### MINUTES of the following meeting of the Council:

May 29, 2019 Council Meeting  
June 13, 2019 Council Meeting  
June 26, 2019 Public Hearing re: Bill No. 2752 and Bill No. 2753

Councilmember Chock moved to approve the Minutes as circulated, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Minutes?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii were excused*).

Council Chair Kaneshiro: The motion is carried. Next, we have an interview for Taryn Dizon for the Public Access, Open Space, Natural Resources Preservation Fund (Open Space Commission).

#### INTERVIEW:

#### PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION:

- Taryn A. M. Dizon (*Waimea / Kekaha*) – Term ending 12/31/2021

ELLEN CHING, Boards & Commissions Administrator: Good morning, Chair and Councilmembers. I am pleased to introduce Taryn Dizon. Taryn was born and raised on Kaua'i and graduated from Waimea High School. She has been a resident of Kekaha for twenty-five (25) years. She is a soccer mom of two (2) boys, *Mauka* and *Makai*. She coaches six (6) soccer teams; four (4) teams in Kekaha, and two (2) teams in Anahola. One (1) of the teams she formed was named Kaleimanu after the park in Kekaha Gardens where they practice. Incredibly between a full-time a job, a full-time mom, and a soccer coach, Taryn does what she calls "the boys living their names." Hunting in the mountains and fishing on the *pali*. It is a natural fit to have Taryn representing Kekaha and Waimea on the Public Access, Open Space, Natural Resources Preservation Fund Commission. We anticipate fresh perspectives from this young mother, who will be laying the foundation to preserve open spaces that Taryn, her sons, and soccer teams enjoy now and in the future.

TARYN A. M. DIZON: Thank you for this opportunity. I understand my duties and the roll of this position. I look forward to acquiring, protecting, and conserving the land.

Council Chair Kaneshiro: Thank you. Are there any questions or comments from the members? Councilmember Chock.

Councilmember Chock: Thank you, Taryn, for stepping up and volunteering your time. This is an important Commission that the community rallies behind. There is a big list of acquisitions. Is there anything in particular that interests you from a “westside” perspective that you want to look at, so we are able to look out for it on our radar?

Ms. Dizon: I believe the biggest thing is continuing the Sports Complex that we have been talking about. I think that would be a huge investment for our community. To prosper and bring in financial support to the Small Businesses on the west end of the island.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: I want to thank you for stepping up. We have both interacted a handful of times. I understand how passionately you worked towards facilitating goals that are important to you. I appreciate that and I want to thank you. Hunting, fishing, beach, and mountain access is really important. It is good to have westside involvement. I am sure you are paying attention to the entire island. Soon, you will do the tours that Open Space has worked on. Have you looked at all areas of the island?

Ms. Dizon: Yes, I will soon to be on those tours and I would love to pass on the generation knowledge that I have learned throughout the years.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I want to express my appreciation for you and willing to serve on the Commission. In my short duration on Open Space Commission, we did not have any representation from the westside or the Kekaha/Waimea community. It is so important to have islandwide representation because there is only so much that you know if either lived or grew up in the community. I am excited for the knowledge that you will bring to the body.

Ms. Dizon: Thank you.

Council Chair Kaneshiro: I will be in full support also. I am glad you are willing to serve. The vote for this will come up later today. Thank you. Thank you for your service. I think you will make a great addition to the Open Space Commission.

Ms. Dizon: Thank you for your time, I appreciate it.

Council Chair Kaneshiro: Clerk, can you please read the Consent Calendar.

CONSENT CALENDAR:

C 2019-157 Communication (06/03/2019) from the Boards & Commissions Administrator, transmitting for Council consideration, amendments to the term ending dates for the following Mayoral appointments:

a. Civil Service Commission

- Ricky R. Watanabe – Term ending 12/31/2021

b. Charter Review Commission

- Reid R. Kawane – Term ending 12/31/2021

C 2019-158 Communication (06/17/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing Two Crosswalks And Repealing An Existing Crosswalk On Kekaha Road In The Vicinity Of Kekaha Elementary School, Waimea District, County Of Kaua'i.

C 2019-159 Communication (06/24/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Lihu'e Wastewater Treatment Plant (WWTP) Process Improvements, Project No. C150059-20.

C 2019-160 Communication (06/24/2019) from the Boards & Commissions Administrator, transmitting for Council consideration, the following Mayoral appointments to the various Boards and Commissions of the County of Kaua'i:

- a. Public Access, Open Space, Natural Resources Preservation Fund Commission

- Taryn A. M. Dizon (*Waimea / Kekaha*) – Term ending 12/31/2021

b. Historic Preservation Review Commission

- Stephen Wesley Long (*Planning*) – Term ending 12/31/2021

C 2019-161 Communication (07/05/2019) from Mark L. Ishmael, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2019 through June 30, 2019.

Councilmember Chock moved to receive C 2019-157, C 2019-158, C 2019-159, C 2019-160, and C 2019-161 for the record, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Consent Calendar?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, are there any discussion from the members?

The motion to receive C 2019-157, C 2019-158, C 2019-159, C 2019-160, and C 2019-161 for the record was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii were excused*).

Council Chair Kaneshiro: The motion is carried. Next item, please.

Ms. Fountain-Tanigawa: Next item is on page 3.

COMMUNICATIONS:

C 2019-162 Communication (05/28/2019) from the Deputy Fire Chief, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Buildings, Facilities, or Grounds relating to: Hanalei, Kilauea, Kōloa, Kalāheo, and 'Ele'ele Elementary Schools; Kapa'a, Waimea and Kaua'i High Schools; and Waimea Canyon and Kapa'a Middle Schools, to conduct the Community Emergency Response Training (CERT) program: Councilmember Chock moved to approve C 2019-162, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any questions from the members on this item? If not, okay. Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion?  
Councilmember Cowden.

Councilmember Cowden: I want to voice my support and appreciation for all the work that the Fire Department does. In their outreach to the community, I think they are an excellent use for these properties in helping the community to understand fire safety. I want to express my gratitude and acknowledgment.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2019-162 was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii'i were excused*).

Council Chair Kaneshiro: Motion carried, next item please.

C 2019-163 Communication (06/03/2019) from Councilmember Evslin, requesting agenda time for Paul H. Brewbaker, Principal of TZ Economics, to provide a briefing on overtourism and possible market-based mechanisms to achieve balance: Councilmember Chock moved to receive C 2019-163 for the record, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Mr. Brewbaker could not make it today. We will be receiving the item and rescheduling for another time. Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the members?

The motion to receive C 2019-163 was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii'i were excused*).

Council Chair Kaneshiro: Next item, please.

C 2019-164 Communication (06/19/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Fiscal Year (FY) 2017 Stop Violence Against Women Formula Grant funds, in the amount of \$65,731.00, for the Sexual Assault Nurse Examiner (SANE) Exams, supportive funding, and DNA Analysis programs for the term commencing July 1, 2019 to May 31, 2020, and approval to contract with and indemnify the State of Hawai'i Department of the Attorney General: Councilmember Chock moved to approve C 2019-163, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any final discussion?  
Councilmember Cowden.

Councilmember Cowden: I want to thank the Police Department and Bryson Ponce for all the hard work that you do. Being extraordinary in bringing all of these grants forward, it really makes a difference. I do not want this to pass without acknowledging your hard work and positive direction that we are making in closing cases of sexual violence. Thank you.

Council Chair Kaneshiro: The motion on the floor is to approve.

The motion to approve C 2019-164 was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii were excused*).

(*Councilmember Brun was noted as present.*)

C 2019-165 Communication (06/20/2019) from the Deputy County Engineer, requesting Council approval to accept a donation of pothole material from Ted Kawahinehelelani Blake, valued at \$3,816.81, which will be expended by the Department of Public Works, Roads Division and used to test the product for pothole repair: Councilmember Chock moved to approve C 2019-165 with thank-you letter to follow, seconded by Councilmember Brun.

Council Chair Kaneshiro: Are there any questions on this from the members?

Councilmember Cowden: Is Lyle here?

Council Chair Kaneshiro: Yes, Lyle is here. Lyle.

There being no objections, the rules were suspended.

Councilmember Cowden: Thank you. I know that this is a small dollar amount. I am curious what this new pothole repair material is.

LYLE TABATA, Deputy County Engineer: Good morning, Chair, and Councilmembers. Lyle Tabata, Deputy County Engineer. This is a product that is cementitious in matter. It comes in individual prepackaged bags that you need to mix before use.

Councilmember Cowden: Is it going to make it easier to make the repairs or is it similar in the amount of work?

Mr. Tabata: It is very similar to what we are using now. The ones that we are using now are premixed in a bucket, once you break the seal, you have to use all of the product. With this new product, I believe it is similar in nature, once we mix it, we are going to have to use all of it as it has a shelf life. Mr. Blake is donating it to us to see if we are able to use it. Although we are currently using something else, we are going to test this product. We have been working to find products, such as this that are more permanent in nature than when we are using cold mix. Cold mix asphalt does not set and when it rains a lot, the cold mix dissipates. This is deemed as a more permanent in nature and should not come apart with weather.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you.

Mr. Tabata: Thank you.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any final discussion? The motion on the floor is to approve with a thank-you letter.



The motion to approve C 2019-165 with thank-you letter to follow was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Council Chair Kaneshiro:           Next item.

C 2019-166 Communication (06/20/2019) from Elliott Ke, Captain, Kaua'i Police Department, requesting Council approval to accept and expend funding from the Enhanced 911 (E-911) Board as follows:

- a. \$723,677.00 for annual recurring expenditures to run 911 services in the Kaua'i Police Department's (KPD's) primary Communications Center and the Alternate Dispatch Center (ADC), and travel expenses for designees to attend monthly board meetings on O'ahu and board-approved training available out-of-state; and
- b. \$300,000.00 for KPD's Alternate Dispatch Center relocation project, which is included in the E-911 Board 5-year Strategic Budget Plan for Fiscal Year 2020:

Councilmember Cowden moved to approve C 2019-166, seconded by Councilmember Brun.

Council Chair Kaneshiro:           Do we have any questions from the members?  
Councilmember Chock.

Councilmember Chock:           Mr. Chair, I wanted to double-check as it might be a typographical error (typo) but there is an item "B" on the agenda. Is there another condition that we need to consider or is it a typo?

Ms. Fountain-Tanigawa:           It was a typo.

Council Chair Kaneshiro:           I believe item "C" should be gone and it should be "Items A and B."

Councilmember Chock:           Thank you.

Council Chair Kaneshiro:           Councilmember Cowden.

Councilmember Cowden:           Thank you. This Enhanced 911 Board, where is that money coming from? Is that State or Federal, where is that group?

There being no objections, the rules were suspended.

ELLIOTT KE, Captain, Kaua'i Police Department: Good morning, Chair and Councilmembers. Councilmember Cowden, the 911 funds come from a monthly 911 fee that is imposed on all service connections to telephone lines. An example of an exemption are government entities, landlines, and prepaid phones.

Councilmember Cowden: This is a year that is in a whole series of years? There is the five (5) year strategic budget for the second item. This is routine, is that correct?

Mr. Ke: Yes.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you.

Mr. Ke: You are welcome.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify? Mr. Hart.

BRUCE HART: Good morning. Bruce Hart, for the record. I would like to take this opportunity to thank the officers at dispatch. Through personal experience, I have realized how important their job is. There have been several of the workers there who I have spoken to over the last eight (8) years. They have been very comforting to me, and they are a comfort to people in a time of crisis. At times, because they are in the background, I do not think they get enough attention. They are a very important part of our police force. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none.

The motion to approve C 2019-166 was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Ms. Fountain-Tanigawa: On page 4.

C 2019-167 Communication (06/24/2019) from the Acting Director of Human Resources, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution

No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- General Correspondence (General letters and memos received from internal and external departments and agencies prior to 2011)
- Payroll Records (Timesheets, Payroll Registers, Payroll Accruals, Payroll Hours Proof Listing, Payroll Distribution, Payroll Check Registers, Garnishments, and Leave Documents prior to 2011)
- Recruitment and Exams (Job Applications, Job Announcements, Vacancy Reports, Written Exams, and Leave Documents prior to 2011)
- OSHA Forms (OSHA Logs, Summaries, and Supplementary Records prior to 2011)
- Workers' Compensation (WC) Records (WC claims prior to 2010) (last payment longer than 8 years)
- Official Personnel Folders (Personnel files for terminated employees prior to 1988) (30-year retention):

Councilmember Brun moved to approve C 2019-167, seconded by Councilmember Cowden.

Council Chair Kaneshiro: May I have a motion?

Council Chair Kaneshiro: Are there any questions from the members on this item? If not, is there anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any final discussion from the members?

The motion to approve C 2019-167 was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

C 2019-168 Communication (07/08/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Section 5A-1.1, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax Definitions: Councilmember Brun moved to receive C 2019-168 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Councilmember Cowden, did you have a question?

Councilmember Cowden: Is this going to come up a little later?

Council Chair Kaneshiro: Yes, we will take it at the actual first reading. There is also a quick presentation. Is there any other questions from the members? If not, is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to receive C 2019-168 for the record was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Council Chair Kaneshiro: Motion is carried, next item.

CLAIM:

C 2019-169 Communication (06/17/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Esaki Surveying and Mapping, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Brun moved to refer C 2019-169 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members? Is there anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members?

The motion to refer C 2019-169 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Council Chair Kaneshiro: Next item, Committee Reports.

Ms. Fountain-Tanigawa: Next item are your Committee Reports.

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2019-04) submitted by the Public Works & Veterans Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2612 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Council Chair Kaneshiro: Motion carried, next item.

Ms. Fountain-Tanigawa: On Page 5, from your Planning Committee.

PLANNING COMMITTEE:

A report (No. CR-PL 2019-07) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2752 – A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN PUHI, KAUAI (*Island School, Applicant*) (ZA-2019-2),”

Councilmember Brun moved for approval of the report, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Council Chair Kaneshiro: Motion carried, next item.

Ms. Fountain-Tanigawa: From your Committee of the Whole.

#### COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2019-15) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2753 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2019 AND JUNE 30, 2021,”

Councilmember Chock moved for approval of the report, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmembers Kagawa and Kualii were excused*).

Council Chair Kaneshiro: Motion carried, Resolutions.

RESOLUTIONS:

Resolution No. 2019-42 – RESOLUTION AMENDING RESOLUTION NO. 2019-38 TO CORRECT THE TERM ENDING DATE FOR A MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Ricky R. Watanabe*): Councilmember Chock moved for adoption of Resolution No. 2019-42, seconded by Councilmember Brun.

Council Chair Kaneshiro: Are there any questions from the members on this? Is there anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members? If not, roll call vote.

The motion for adoption of Resolution No. 2019-42 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa, Kualii	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Motion passes, next item please.

Resolution No. 2019-43 – RESOLUTION AMENDING RESOLUTION NO. 2019-39 TO CORRECT THE TERM ENDING DATE FOR A MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Reid R. Kawane*): Councilmember Chock moved for adoption of Resolution No. 2019-43, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there discussion from the members? Seeing none; if not, roll call vote.

The motion for adoption of Resolution No. 2019-43 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa, Kualii	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa Motion passes.

Resolution No. 2019-44 – RESOLUTION ESTABLISHING TWO CROSSWALKS AND REPEALING AN EXISTING CROSSWALK ON KEKAHA ROAD IN THE VICINITY OF KEKAHA ELEMENTARY SCHOOL, WAIMEA DISTRICT, COUNTY OF KAUAI: Councilmember Chock moved for adoption of Resolution No. 2019-44, seconded by Councilmember Brun.

Council Chair Kaneshiro: Do we have any questions for the Administration on this?

There being no objections, the rules were suspended.

Council Chair Kaneshiro: I will ask a quick question. Can you provide the Council with an overview of what this Resolution is for?

Mr. Tabata: Good morning, Chair and Councilmembers. Lyle Tabata, Deputy County Engineer. We are bringing the Resolution to establish two (2) crosswalks and repealing an existing crosswalk as the conditions in the vicinity for the Kekaha Elementary School which has changed. I will let Michael Moule explain the details. In summary, this is a solution that was brought together with our Engineering Division, in walking with the Principal and members of the community. There were concerns of the existing drop-off/pickup area as shown. I will let Michael outline the detail for discussion. We are repealing the Resolution No. 138 (1954) crosswalk and relocating to different locations. Go ahead, Michael.



MICHAEL MOULE, Chief of Engineering: Good morning, Chair and Councilmembers, Michael Moule, the Chief of Engineering, Public Works. As Lyle mentioned, the existing Resolution for a crosswalk at this location, directly in front of the school, that is where the crosswalk used to be. Back in the day, Lyle actually attended Kekaha School and that is where the crosswalk was when he was there. They used to have their main entrance there. When they moved their entrances, the crosswalk was moved, but the resolution was never changed. Technically, the distance from 'Alae Road as defined here is not where it was. This crosswalk here is still in existence; they moved the crosswalk from here to here, which is still being used by the students. The school and residents of Kekaha asked us to do a couple of things. They asked to put flashing beacons at the current crosswalk and to establish another crosswalk on the opposite end. There are many students who are crossing to businesses and the Menhune Food Mart. CrossFit Kekaha us also across the street and a lot of students are going there for their afterschool program. We thought, "Yes, it would make sense," because kids are using the crosswalk. It does not make sense that the kids go here, cross here, and walk all the way back along the shoulder that does not have a sidewalk. We think it would make sense to do a crosswalk on this end. We have developed a work order for our Roads Division to add a concrete pad on this side, at this crosswalk, put a ramp in here, and mark this crosswalk to put a little concrete pad on this side so there is something to get to on the other side of the street. We have ordered flashing beacons that will be here in August. When they will be installed all depends on scheduling the project with our Roads Division. Our intention is to do the concrete and crosswalk work as soon as the Roads Division is able to schedule that. They have the work order now and we are waiting for the Resolution before we mark the crosswalk. As soon as those devices are in place, this will be one of the high priorities. We have ten (10) to twelve (12) sets of beacons that will be arriving in August for various locations around the island. This will be on the high priority list because it is a school and a new crosswalk. That is the summary of why we are doing what we are doing of repealing this crosswalk, establishing this one to make it "legal" in its place, and then establishing a "new" crosswalk at this location.

Council Chair Kaneshiro: Councilmember Chock and then Councilmember Cowden.

Councilmember Chock: Thank you, Mr. Chair. Lyle, can you folks tell me what and where the corresponding speed limits are?

Mr. Moule: The overall speed limit for Kekaha Road is twenty-five (25) miles per hour. On school days, there is a school zone speed limit of fifteen (15) miles per hour. I do not know the exact limits of that. We did check it and it was roughly where it supposed to be, which is within five hundred (500) feet of the property lines of the school. It would extend beyond this map, it should be roughly five hundred (500) feet this way beyond 'Alae Road, and some distance this way past Amakihi Road. It is all within the schools speed limit area.

Councilmember Chock: Is there any indication of “school zone” prior to that speed limit sign? My only concern is people drive really fast through that area. Now that we will be allowing the kids to feel safe about crossing the crosswalk, I want to be sure there is enough establishment of safety zone.

Mr. Moule: We did an inventory of all the signs in the area, I will double-check to be sure. I am pretty sure that on Kekaha Road, there was nothing that needed to be changed. We will check to make sure or make the changes, if necessary.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to thank you for getting to this. This was an urgent request from last year. The Kekaha community will be relieved that this is happening. Am I hearing you correctly that the stripes and concrete on either side of the road will happen before the beginning of the school year?

Mr. Moule: That is our goal. The Roads Division is under Lyle, I do not control them directly.

Mr. Tabata: Yes, that is the plan.

Councilmember Cowden: Okay, that is really good and I am thankful for the flashing lights. People do go down that road really fast. This has been sort of a burning issue all year.

Mr. Tabata: I do know that there are speed signs located right here in this intersection of ‘Amakihi Road, and there are multiple signs in the section that Kōke‘e Road veers off from Kekaha Road. There are signs on ‘Alae...if you drive around the school, all the crosswalks are well-marked and signage are very well posted. I believe this will be the final fix to the frontage where most of the drop-off/pickup happens. It will be safer.

Councilmember Cowden: I want to thank the community who strongly voiced their concerns and for the County for being responsive. Thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you. We will take public testimony. Do we have anyone signed up?

Ms. Fountain-Tanigawa: We have no registered speakers.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

DENNIS HIGUCHI: Good morning, Council. My name is Dennis Higuchi. I am a resident of Kekaha. I would like to thank the County, especially Lyle Tabata, for addressing this crosswalk issue in a timely manner. We had two (2) incidents where one (1) of the children got banged. I am asking the County Council for your support to get this completed in a very timely manner. Thank you.

Council Chair Kaneshiro: Thank you, Mr. Higuchi. Is there anyone else in the audience wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Councilmember Chock.

Councilmember Chock: I am sorry, Mr. Chair, I may have more questions.

Council Chair Kaneshiro: Yes, no problem.

There being no objections, the rules were suspended.

Councilmember Chock: Lyle, what I am hearing is the crosswalk is needed, and it is needed now. I was curious, and for the community to know, when do you intend to complete this project?

Mr. Tabata: We needed to come here to get the Resolution approved.

Councilmember Chock: Sure, I understand.

Mr. Tabata: We have it tentatively scheduled, but now we will schedule it and reply to the community.

Councilmember Chock: Thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any other discussion from the members? If not, roll call vote.

The motion for adoption of Resolution No. 2019-44 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa, Kualii	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes.

Council Chair Kaneshiro: Motion passes. Next item, please.

*(Councilmember Brun was noted as not present.)*

Resolution No. 2019-45 – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE LIHU'E WASTEWATER TREATMENT PLANT (WWTP) PROCESS IMPROVEMENTS, PROJECT NO. C150059-20: Councilmember Chock moved for adoption of Resolution No. 2019-45, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions on this item? Jason, you will probably have to answer. Councilmember Cowden.

Councilmember Cowden: I wanted a little overview of what we are going to be doing with the Lihu'e Wastewater Treatment.

There being no objections, the rules were suspended.

JASON KAGIMOTO, Chief, Wastewater Division: Good morning. For the record, Jason Kagimoto, Chief, Wastewater Management Division. This project has been a long time coming. There are different processes at the Lihu'e Treatment Plant that is considered primary, secondary, and tertiary. For the secondary process, there are two (2) trains—it is like two (2) parallel treatment systems. One (1) of the treatment systems is currently inoperable and needs to be upgraated. One (1) of the primary treatments, we use a mechanical bar screen, which helps to physically remove larger things such as grid and rocks. The treatment systems are old and needs to be replaced. The major work involved in this project is to basically allow us to reliability treat the permitted amount of two million five hundred thousand (2,500,000) gallons per day.

Councilmember Cowden: How long has the parallel system not been fully functioning?

Mr. Kagimoto: For a while. It has not been working at least for the duration that I have been in the County, which is seven (7) years. What I would say is that during that time, since I have been here, the flow has always been within the allotted amount that we are able to treat. With additional development, we are getting to that point where we need to get the other train online so we are able to accommodate additional flow for additional development.

*(Councilmember Brun was noted as present.)*

Councilmember Cowden: That was going to be my next question. Is this going to increase our capacity? Will it be double? How much will it increase our capacity for future needs?

Mr. Kagimoto: I am guessing it will double it.

Councilmember Cowden: Will it be about the same size as the functioning side?

Mr. Kagimoto: Yes. The permit is for the size of two million five hundred thousand (2,500,000) gallons per day, with each train handling approximately one half ( $\frac{1}{2}$ ) of that flow.

Councilmember Cowden: How much is the loan?

Mr. Kagimoto: Three million five hundred thousand dollars (\$3,500,000.00) which includes construction and construction management.

Councilmember Cowden: Do we have our finance information in here? I did not quite see it?

Mr. Kagimoto: If you are wondering about the loan, the loan is a twenty (20) year loan with a one and one fourth percent ( $1\frac{1}{4}\%$ ) interest rate.

Councilmember Cowden: One and one fourth percent ( $1\frac{1}{4}\%$ ) for twenty (20) years. Okay. Did you have something to share?

Mr. Tabata: Lyle Tabata, Deputy County Engineer. Jason has been the new Chief of Wastewater for the past three (3) years. These are the initiatives that he is bringing forward that will help ensure the ability to perform the wastewater functions effectively and efficiently, more efficiently than we have been. The bar screen that he is talking about will remove the insoluble solids, grit and whatever else that comes into the plant that cannot be dissolved and processed through the biological method that we use. These are the efforts to improve the operation and make them reliable.

Councilmember Cowden: I really appreciate it. Everything I am seeing through his office is being done very well. I value your effort and thank you for your work.

Mr. Kagimoto: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you for coming and speaking on this. The current capacity is two million five hundred thousand (2,500,000) gallons on each train, is that the word?

Mr. Kagimoto: Yes, they are like two (2) parallel systems that are set up to do the same redundancy.

Councilmember Evslin: Therefore, they can each process around one half (½) of that. How much is coming into the plant and are we at capacity of what we are able to do right now?

Mr. Kagimoto: It fluctuates on a day-to-day. On average, we are getting about one million (1,000,000) gallons a day.

Councilmember Evslin: What happens if we go over that? If there is storm and a lot of water is coming through the system.

Mr. Kagimoto: That is what the plant size is for. There are various things that are done on the sampling and measurements side that we are confirming whether or not we are able to procedure R-1 water, which is the ultimate goal. As the flow increases, the reliability for us is that it will decrease a little. There are provisions that would have a backup dispose if we are not able to meet the R-1 water requirements, which means we could not use water for irrigation purposes to the golf course.

*(Councilmember Kagawa was noted as present.)*

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: When is the estimated construction start and completion time?

Mr. Kagimoto: That is a little up in the air right now. The first step is to get the approval to do the loan. The hope is that in the next couple of months...end of summer to fall is when we would like to bid for construction. We are hoping to get a contract in the early part of calendar year 2020.

Councilmember Cowden: Does the outflow of this treatment plant end up in the Nāwiliwili Stream? Where does it end up?

Mr. Kagimoto: No. When we are producing R-1 water, that water goes to irrigating the Hokuala Golf Course, adjacent to the Līhu'e Treatment Plant.

Councilmember Cowden: Okay. When we are seeing different groups like "Surfrider Foundation" finding pollutes in the waters, we will not see this plant impact that? Is that a different source from wherever they are finding the problems?

Mr. Kagimoto: Yes.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you.

Mr. Kagimoto: Thank you.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members? The motion on the floor is to approve, roll call vote.

The motion for adoption of Resolution No. 2019-45 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted silent, but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa Motion passes.

Council Chair Kaneshiro: Next item, please.

Ms. Fountain-Tanigawa: Next item is on page 6.

Resolution No. 2019-46 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Taryn A. M. Dizon – Waimea / Kekaha*): Councilmember Chock moved to defer Resolution No. 2019-46, seconded by Councilmember Brun.

Council Chair Kaneshiro: I misspoke, we are not going to take the vote on Taryn today. We need to give the public time to comment. Is there anyone in the audience wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Roll call vote on the deferral.

The motion to defer Resolution No. 2019-46 was then put, and carried by the following vote:

FOR DEFERRAL:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6,
AGAINST DEFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item please.

Resolution No. 2019-47 –RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION (*Stephen Wesley Long – Planning*): Councilmember Brun moved for adoption of Resolution No. 2019-47, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?



There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Roll call vote.

The motion for adoption of Resolution No. 2019-47 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2756) – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX DEFINITIONS: Councilmember Chock moved for passage of Proposed Draft Bill (No. 2756) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 14, 2019, and referred to the Finance & Economic Development Committee, seconded by Councilmember Brun.

Council Chair Kaneshiro: Do we have any questions? You have a quick presentation on this.

Councilmember Chock: Mr. Chair, I am not going to go into detail about this, but I can tell you that a few years back, what prompted this was when we were getting calls from *kuleana* landowners or Title Owners that were having issues with their taxes. I went to the Office of the Hawaiian Affairs (OHA) to inquire how we may be able to assist them. I was then directed back to our County of Kaua'i's Real Property Tax Assessment Office. The explanation they gave me was there is a multitude of situations that is the complexity of the reasons why some of these landowners are ending up in higher tax brackets other than the tax exemption that was initiated by the State Legislature. Essentially, what people are doing is paying not only outside of Homestead, but up to Residential Investors. The issue is really that we are pushing some of these land awards and families out of their properties

because of the tax situation. When doing research, over the last eight (8) to nine (9) months, we have been meeting with OHA to come up with solutions on how to approach the “clouded titles” and the issues that are surrounding it. We believe that we have come up with a solution that starts that process in the right direction to correct and move people into the right tax bracket. Mr. Chair, I had asked Adam Roversi, Deputy County Attorney, who is the co-author with putting together the overview of the Kuleana Tax Exemption, Act of 1850. I have asked him to share a brief summary of challenges and history.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Deputy County Attorney: Chair and Councilmember Chock. Adam Roversi, Deputy County Attorney. I will do my best not to read this PowerPoint at you, but instead highlight points. I am here as Councilmember Chock mentioned not so much to dig into the details of the Ordinance, but to provide historical background of *kuleana* properties. By understanding the context, it will shed light on why it is difficult to qualify for this exemption. There are a lot of hoops that are complexed that leaves applicants a little disadvantaged. As Councilmember Chock mentioned, before I became the Deputy County Attorney, I was hired by the Hawaiian Community Stewardship Network and the Castle Foundation to write a handbook for all Counties including the County of Kaua‘i with cooperation with OHA to assist people through the process. I believe OHA continues to use portions of the handbook.

A Kuleana Property Tax Exemption was originally proposed by OHA, at the State-level, which failed to pass. OHA began lobbying each County to adopt similar ordinances. In the beginning of 2008, with the City and County of Honolulu, in short order, every County adopted some version of Kuleana Property Tax Exemption. They are all similar, but not quite exact.

For Kaua‘i, the goal of the ordinance is to provide property tax relief to Native Hawaiian property owners who are often subject to disenfranchisement foreclosure due to their inability to pay increasing property taxes as property value skyrockets in some areas of Kaua‘i; some more than others. Highlighted in red are key points to the ordinance. There is two (2) prongs for qualification. The owner needs to qualify and be a lineal decedent of the original *kuleana* awardee from the *Māhele* of 1848, separately, the property has to be qualified as *kuleana* land. *Kuleana* has a very specific meaning that many people do not understand. The land cannot be a vacation rental, and it needs to be owner occupied, vacant and/or agricultural property.

This is a quick summary of properties on Kaua‘i that have qualified so far. This information came from the Real Property Tax Assessment Office. In the 2020, approximately twenty-nine (29) properties that will be receiving the Real Property Tax exemption. You will need to breakdown where the properties are located, most

of them are on the North Shore. Anecdotally, I think that the concentration on the North Shore in particular is because that area was never subject to plantation agriculture, which adopted and took over a lot of *kuleana* properties. There are more remaining *kuleana* properties in that area than in other parts of the island, but it is not exclusive. Down at the bottom of the page, you will see thirty-one (31) pending applications, which date back as far as 2008, that have not been denied or accepted. I think that speaks to the complexity of qualifying that your property is legally a *kuleana* and when going through the genealogical research that people have to go through to prove that they are a lineal decedent of the original *kuleana* of the awardee.

*(Councilmember Brun was noted as not present.)*

What is a “*kuleana*?” We all know and use the phrase “*kuleana*” generally referring to your responsibility, community, or a piece of land. A *kuleana* property has real specific meaning. It has to have been awarded under the Kuleana Act of 1850. Those properties were awarded to native tenants who presented a claim to the Land Commission and they were given a Land Commission Award. That commission existed for about five (5) years. It was dissolved in 1855. There was a very small window of time for native tenants to present their claims to the Land Commission to receive their award. This is Act of 1850, I am not going to read through all of this. One thing to take out of this is understanding what a *kuleana* property is today. From current property records they would be identified as one (1) of two (2) things, a Land Commission Award, which is described in the language highlighted in Section “A” and they have to be claimed by native tenants. There were Land Commission Awards that were given to *aliʻi* and *konohiki* in large blocks of land and there were smaller Land Commission Awards that were given out to native tenants. Although you probably could be identified as a Land Commission Award, does not mean it qualifies for a *kuleana*. You need to dig a little deeper than that. There is a second type of *kuleana* parcel that would be legally identified as a Royal Paten Grant. Under the Act of 1850, a native tenant could go in and make a claim for their property where they have lived or have grown taro and received that land. There is also a separate property category of land that was set aside to purchase between one (1) and fifty (50) acres at fifty cents (\$0.50) per acre. Those properties were given out to the buyers as Royal Paten Grants (RPG). In 1851, the Act was amended and the language in red highlights one of the problems that explains why there are not a lot of *kuleana* given out. In the original act, there was a provision that the *konohiki* or *aliʻi* who controlled the property had to give consent to the award. There were presumably many that did not give consent to the claim of the tenants on their land. This Amendment in 1851 stripped the consent provision so they no longer had to get consent of their landlord to go and make the claim.

*(Councilmember Kagawa was noted as not present.)*

Please forgive me as you may have heard about presentations on this before. Prior to 1846, there was no such thing as “private property” in Hawai‘i. The land in Hawai‘i was property of the King. Kamehameha III, created a *Māhele* process to create what we now understand as “private property.” This is the original intent of the *Māhele* as stated in government documents and what was supposed to have been accomplished. With the formation of the Land Commission...all the land in Hawai‘i was supposed to be divided into one (1) of three (3) categories; the king’s lands that did not have government land, land that was given to *ali‘i* and *konohiki*, and the third category to *maka‘āinana* or the native tenants were amongst the folks who were supposed to receive *kuleana* properties. Kamehameha III originally divided all the land in Hawai‘i between himself, *ali‘i*, and *konohiki*. He then set out a portion of the king’s land to the government, which became Crown Land. The *ali‘i* and *konohiki* had to pay a tax on their land in order to affirm their award. Most of them were cash poor, and now, land rich. Instead of paying tax, they gave a portion of the land they have been given back to the government. By 1850, there are now three (3) categories of land, Crown Land which belongs to the king, government land, and *konohiki* land. At this point in 1850...to realize the third prong and give some of that land to native tenants is when the *Kuleana* Act was authorized which allowed the native tenants to go to the Land Commission and submit testimony of where they lived, surveyed the land, and evidenced that it should be given to them.

This is the end result of the *Māhele*. Despite the fact that a third of all the land in Hawai‘i was supposed to have been distributed to native tenants, there is only about one percent (1%) that has been awarded. Which means, about twenty-eight thousand six hundred (28,600) acres was generally not distributed as tenants of Land Commission Awards.

The final category as I had mentioned was the land that has been purchased as RPG between one (1) and fifty (50) acres. It is difficult to know, but scholars estimate around one hundred sixty-seven thousand (167,000) acres were purchased by Native Hawaiians as RPG pursuant to the *Kuleana* Act of 1850.

As I mentioned, there were eight thousand two hundred (8,200) land commission awards, but only about seven thousand five hundred (7,500) was *Kuleana* Awards. The other Land Commission Awards were large blocks of land that were given to *ali‘i* or *konohiki*.

This is a quick breakdown of Land Commission Awards that were distributed by island. As you can see, Kaua‘i has the smallest in acreage of distribution for *Kuleana* Awards except for Lāna‘i. Of all the major islands, it is significantly less than most others. There is multiple theories as to why that was...for some period of time, in order to perfect your claim you had to be physically go to the Land Commission in City and County of Honolulu...that would have been difficult for Kaua‘i people to travel. By this time in 1850, most of the traditional *ali‘i* and *konohiki*

on Kaua'i had been disenfranchised and replaced by *ali'i* and *konohiki* from Maui and Hawai'i Island. They were perhaps "less willing" landlords to cooperate with the native tenant claims to the land.

This shows a quick breakdown of the four (4) *Moku* of how the Land Commission Awards are identified on Kaua'i. The study that I did when I was working with the Castle Foundation was to focus mainly in Wainiha area. This information is more specific to this area. These are the Land Commission Awards specifically in the *moku* or *ahupua'a* of *Halele'a* which is two hundred sixty-two (262). In the previous summary, the majority of the current property tax exemptions are in this area. As an example, you will see in Waikoko, there is a single Land Commission Award to Kekauanohi. Kekauanohi took title during the *Māhele* to all of Wainiha, over ten thousand (10,000) acres except for the thirty-nine (39) Kuleana Awards that were given out in that area.

If you take a look at a specific piece of property and walk through...if that property owner were an applicant, these are things that they need to look at. The first thing they would want to do is to confirm the property that they own, in whole or in part is a *kuleana* property legal title starts as a Land Commission Award or as RPG. You are able to look at the Tax Map Key (TMK) or get a deed for your property with the origin property information. For the final prong, you have to be the owner, which is the current amendment before the Council. For a lot of these properties, the current ownership can be cloudy because for these types of properties that were passed down through generation of Native Hawaiian families, they did not go through formal probate proceedings. When someone died, it informally passed all the ancestors. Often times, the legal owner on a property that is recorded with our Real Property Tax Assessment Office, that person could have been dead for one hundred (100) years. Although the current people who are using the property, taking care of it, paying taxes on it, could be three (3) or four (4) generations later of that original owner.

This is a blown-up map of Wainiha, the circle in red, I will show a close-up version of that. This Land Commission Award Number 11-63. The Department of Taxation has the current owner listed as Annie Warren. With this information, an applicant would have to strongly suggest that this property would be a *kuleana*. It is one and one half (1½) acres, which is approximately the size of what Kuleana Awards were. It is a Land Commission Award. A little more investigation might be necessary to demonstrate to the Real Property Tax Assessment Office that it would qualify. An applicant would take that Land Commission Award and do further research. This is a quick snippet of the deed for that property, which came from the Bureau of Conveyances and provides more information. Highlighted in red, is the Land Commission Award Number 11-63, which was issued to Kawelo. The current applicant is going to have to demonstrate that they are genealogically connected to Kawelo, the original awardee of this property. Generally, *Kuleana* awardees are

identified by a single name. There is no first and last name, it is just Kawelo. With the Land Commission Award number, an applicant is able to do a manual search at Hawai'i State Archives for documents or there is a handy database on Ulukau.org that has translated all the original Hawaiian documents, native testimony, and Kuleana Awards. There is a paper search that you are able to do for RPG at Hawai'i State Archives. This is a snippet from the hardcopy book, the index of Land Commission Awards. If you take a look at the fourth item down, it is the award that we are looking at and the awardee is spelled here "Kowelo" and it is common that the names are spelt differently in different places. That may be a hurdle for people to overcome. Land Commission Award Number 11-63 is approximately two (2) acres of land. This is a copy of the actual Land Commission Award itself which is written in Hawaiian. This is a copy of the native testimony that is also on record at Hawai'i State Archives. This is the handwritten record of when Kawelo, his family, and friends appeared in front of the Land Commission to give their testimony back in 1849. This is an example of the Ulukau website where they have translated this information. It is a lot easier than taking a flight to the Hawai'i State Archives in the City and County of Honolulu and digging through all the documents. This is a translation of the handwritten document I showed you a few seconds ago where you will see that Kawelo is appearing in front of the Land Commission with two (2) other individuals to testify as to why that house lot should be given to him by the Land Commission. It is very interesting down at the bottom, the second page of his testimony, he testifies that when he was elected the Superintendent of Schools, the *konohiki* took the property away from him because he was not working or farming the land anymore. He is coming in front of the Land Commission essentially to reverse his eviction of this piece of property and claim rightful ownership to the property.

Why is Land Commission Award 11063 to Kawelo, kuleana land? We have got the testimony, an applicant with his application could come to the Real Property Tax Assessment Office...he has his Land Commission Award, their deed, the testimony from the actual index or the Ulukau website, it fits the typical description approximately two (2) acres, this property would qualify as a *kuleana* lot under the Ordinance.

Here is an example of the Land Commission Award that is not an Ordinance which I have mentioned before. Land Commission Award 2-16 to Kekauanohi, the great-granddaughter of Kaumuali'i was for the entire *ahupua'a* of Wainiha. There has been multiple people who have applied for a tax exemption. They see that there property originated as Land Commission Award 11216, but knowing that, it was a grant of a small portion of the Land Commission Award 11216 to Keakuanohi by definition, which does not qualify as a *kuleana* property. You cannot assume just because it is a Land Commission Award it will qualify, you have to go a little deeper, which is complexed.

*(Councilmember Kagawa was noted as present.)*

A quick recap: *kuleana* has a very specific meaning. I have not really dug into the RPG issue. It requires an applicant to dig into evidence. I have not touched on the occasional nightmare of proving your genealogically connection to Kawelo. For the specific property that we looked at as a sample for Annie Warren, the deed to Annie Warren was from 1910. Annie Warren has died a long time ago, but she is still the official owner of that property in Wainiha. A current applicant that is coming to you would have a difficult time demonstrating that they are the owner. They are not Annie Warren because she has died. They would have to go through a judicial process to have themselves declared as the “legal owner” of the property either by Quiet title amongst all of their cousins, nieces, nephews, and relatives who may also have a claim, or to go through some sort of reopen probate proceeding, which can be both complex and expensive for someone who may be living on that property and may have paid property taxes for the last several decades may be taking care of it. That is one of the hurdles in which I know you folks are trying to address in your current proposed amendment. Unless there are any questions, I believe that is the last slide.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: Thank you for working on this. This is an issue I have seen that came up a lot especially since the flood when people are looking to hold onto their land. On this Ordinance page, I am only seeing the words “*kuleana* land” and in parenthesis Section 5A-11.29 and right next that is the word “or.” I am wondering, is this going to apply to more people than those that can actually prove their path for *kuleana* land? It says “or?”

Mr. Roversi: For the current Ordinance that is being proposed before Council, I know that Todd from the Office of the County Attorney provided you folks with the opinion material specific to the Ordinance. I would want to defer questions about the specific amendment to him, as my task was to provide historical background.

Councilmember Cowden: Okay. I see that Brad Cone is also here. As you mentioned, many Hawaiian people were not able to make it to the City and County of Honolulu with the surveyor during the *Māhele*. What I have seen in the Wainiha area, and not limited to that, is a person’s grandfather will be on the property name and they cannot qualify for any of our tax breaks or any that already exists. The circuit breakers where the land being over one million dollars (\$1,000,000), their income being less than one hundred thousand dollars (\$100,000), and they still do not qualify because it is their grandparents name on the title. When I looked at this, I was really happy about what is being suggested. Am I hearing you correctly? If their great-grandparents could not call this *kuleana* land, that it is not going to work for them?

Mr. Roversi: On one (1) prong, there is the genealogical connection and there is the characteristic of the land itself as the *kuleana* property, which has a very specific meaning. Just because you own a piece of property in Wainiha that your family has had for ten (10) generations, it does not necessarily mean that it is a piece of property that they have received under the Act of 1850.

Councilmember Cowden: Most of them is not, so I am not sure if my question is for you or Councilmember Chock. What about all of the other homeowners with "clouded titles?" Are we not addressing them?

Councilmember Chock: Mr. Chair, I will ask that any legal questions are answered by the other County Attorney who reviewed this particular amendment to answer.

Council Chair Kaneshiro: This is only Bills for First Reading. You are able to send your questions to the Attorney's ahead of time. They can answer your questions before or at the Committee Meeting.

Councilmember Cowden: I understand. The reason I am bringing it up now is because if there is an amendment that can be made to impact the intention of the Bill...what this is, is a tiny fragment of the people who have the ancestry, but never had ancestors who have made it to the City and County of Honolulu. When we are trying to help the displacement of our Hawaiian community through property taxes...what about any of the community who has had generational contact? I think if we ask these questions right now, I believe it will be better to introduce an amendment in the Committee Meeting.

Council Chair Kaneshiro: If they are not able to answer it now, we would forward them the questions. It will go through Public Hearing and then to the Committee Meeting. We are looking at a few more weeks and you will hopefully get the answers before the Committee Meeting. If they are any Amendments you would like to propose, we are able to introduce them at that time.

Councilmember Cowden: By asking now, the rest of the Council is able to hear it as oppose to E-mail where only I would hear the response. Is that correct?

Council Chair Kaneshiro: But if you are going to work on the amendment, then only you would work on the amendment.

Councilmember Cowden: Are we not able to hear from the other Attorney now?

Council Chair Kaneshiro: I do not think they are prepared to answer any questions at this time.



Councilmember Cowden: Is that correct?

Mr. Roversi: I cannot speak to that.

Council Chair Kaneshiro: I am going to recess this meeting. I have someone that wants to testify on the Plumbing Code that needs to leave at 10:00 a.m. Rather than cutting it close, we will recess this agenda item, take his testimony, we will come back to this agenda item, and we will resume with the Plumbing Code once this is done. If you folks are okay with that? Clerk, can you please read the Plumbing Code.

BILL FOR SECOND READING:

Bill No. 2612, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE

Ms. Fountain-Tanigawa: Registered speaker is Brady Edwards.

Council Chair Kaneshiro: Mr. Edwards, are you in the audience?

BRADY EDWARDS: Yes.

Council Chair Kaneshiro: We need a motion. Councilmember Kagawa.

Councilmember Kagawa: I want everyone to know that I made all the calls that I could to tell them that we have a tie, a projection of a 3:3 vote. We are going to discuss this Bill in two (2) weeks. We have spent over a year and one half (1 ½) on the Plumbing Code and I was hoping to go quickly with this item since it is a tie anyways. It does not make sense to spend a lot of time on something that is a tie. You folks are here, and I guess it is what it is.

Council Chair Kaneshiro: Can I have a motion? As a reminder, we will only take his public testimony before he needs to leave.

Councilmember Chock moved to approve Bill No. 2612, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

There being no objections, the rules were suspended to take public testimony.

Mr. Edwards: Thank you, Council. I am Brady Edwards with Leighton Construction, representing the General Contractors Association (GCA). I recognize that this has been an issue for a long time. In absence of Tyler Dylan, who

has been here in the past to share his testimony relative to this issue. I want to offer my testimony in support of the International Plumbing Code (IPC). We recognize that the base code for the State of Hawai'i is the Uniform Plumbing Code (UPC). There is currently an option that allows the use of the IPC. Hearing based off of my support, there have been discussion in the past that I have reviewed. There has been safety concerns relative to the IPC that is not the case. There has been no incidents of any safety issue. We feel that by allowing the IPC as option would allow a cost saving option, which could mean more viable financial projects for the County of Kaua'i, as well as many owners here on the island.

Council Chair Kaneshiro: Thank you. If anyone needs to leave by 10:00 a.m., let me know and we will let you testify. If not, we are going to go back to Proposed Draft Bill (No. 2756). I wanted to get Mr. Edwards' testimony in before he leaves. Clerk, we will go back.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Ms. Fountain-Tanigawa: We will go back to Proposed Draft Bill (No. 2756) relating to Real Property Tax Exemptions.

Council Chair Kaneshiro: Councilmember Evslin, I believe you had something you would like to make clear?

Councilmember Evslin: If I could provide a quick overview of what we are looking at. I think it might help to clarify what Councilmember Cowden is asking. The Bill would potentially expand the definition of owner in certain circumstances. Instead of broadly changing within our Tax Code, we are changing as it applies to Homestead, Commercialize Home Use, or Kuleana Land Exemptions. As you mentioned, there are a lot of properties that are not *kuleana* lands where the title is "clouded" and there is no current living owner that is able to qualify for existing exemptions within our Tax Code, such as Homestead. Under Homestead, there is a lot of other exemptions such as the age in income exemption, affordable rental program, et cetera. The reason for going that route was because in meeting with OHA, they said that the majority of people that call do not qualify for the Kuleana Land Exemption, as outlined by Adam Roversi, because either it is not a *kuleana* land or they cannot show lineal decent. This would go for all other properties with "cloudy" titles, it would give them access to these beneficial programs that currently exist, if they are a decedent of a family member whose family is on the title, as defined in the Bill. For example, you could have a property not on *kuleana* land, someone has passed away, has not been cleared since 1930, you have someone who is living on the land right now, like any other property owner, they could come in and potentially qualify for Homestead. If they are doing affordable rentals, they could come in to qualify for the Long-Term Affordable

Rental Program. Right now, those exemptions are unavailable if there is no one living on title. That is all that this does without touching the exemptions.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: This question is for Councilmember Chock, Councilmember Evslin, and whoever the author of this is. I am a little confused as to why the State agencies that specialized in Hawaiian issues are not here to support this? I do not think Kaua'i should be leading and be in charge. There are many issues with *kuleana*, I hope we are following what a successor of the City and County of Honolulu or Maui did. Are we doing that or are we creating a whole new Bill to see how this will work. What are we doing?

Councilmember Chock: We have been working on this alongside OHA and other people in the community who specialize with this issue on Land Awards but in particularly Kuleana Land Exemptions. In meeting with OHA, understanding that the way to work around the actual issue is to look at how the County reviews the program. For instance, we are not superseding the current process that OHA has to offer in terms of connecting ancestry or lineage, but we are looking at what the issue is. For a lot of people, because it has been such a long period of time and over one hundred (100) years as Mr. Roversi has mentioned, they have a hard time connecting to it. We believe that this is a meeting space for us to address this issue, so these people do not lose their land. As we know, so many are connected to one (1) parcel, that it makes it difficult. We are saying, if you are living on the land and you have a connection to that person on record, the owner who is Native Hawaiian, that is your family member, you should be getting the best tax exemption possible. All tax exemptions are under purview of the County which is why we needed to work with the Real Property Tax Office to come to this resolution. It is not a save all, but it is a step in trying to correct what is not happening. On record, I believe we have thirteen (13) Kuleana Tax Exemptions. I believe we have lost most of them over time. On island, I do not know if we are down to less than three hundred (300) or so, as we initially had about one thousand two hundred (1,200) since 1850. When do we put a stop to allowing people to lose their properties? We have the support from OHA, they received the Bill, and they said they would be submitting testimony once we move to the Committee Meeting as we thought most of the work and discussion would happen there. That is all forthcoming.

Councilmember Kagawa: My only comment is that there should be a better solution coming from OHA and all the other Hawaiian agencies that could provide a better solution. It seems like we may only help a few people when really, the State should be...if we have this many *kuleana* that are not being claimed, I think OHA should have a broader focus on this rather than trying to tell the County to help one (1)

or two (2) people. I think we are taking on a challenge that should be addressed by the specialists on Hawaiian issues. As far as I know, the County Council is not a specialist in Native Hawaiian issues. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: If I understood Councilmember Evslin's response to my last question, it is a lot more than just the *kuleana* landowners. At first, I was worried with what you were saying, "Hey, it is just a tiny fraction and why is the State not doing more?" What I am hearing, it is not only the tiny fraction, and it is that tiny fraction and other people regardless of ethnicity. If their grandparents did not get this trust in probate handled correctly, at a taxing level, we are going to take care of them. Their title is still "cloudy" and it creates a tax base where we are not unintentionally throwing people off their land. Is that correct?

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I do not know how much dialogue you want or wish to have today? Yes, that is correct. It is any property owner who died without "establishing a will." In our anticipation, this is not going to open the floodgates for *kuleana* properties, because the barriers to establish lineal decent is huge. This does not change that fact. If someone is able to establish lineal decent, the last property owner to the 1850's, they will go through the process of showing that they are related to the last property owner. All that this does is changes the last step. It will open it up for any property without a living owner, which there should be likely a lot outside of *kuleana*. The reason I believe this is "our" responsibility, is because it is our Tax Bill. It is giving these families the same benefits that other property owners have with (Inaudible).

Councilmember Kagawa: If I may respond. I understand. My comment on my personal feeling, I feel that Department of Hawaiian Home Lands (DHHL) or OHA has been highly underperforming for the Hawaiian people. Why are we not letting them to this job on a holistic level rather than try and help them do their job where they are able to point their finger back at us if it does not work. Those agencies are there to serve and support the Hawaiian people on these types of issues. I think they have been underperforming to be honest. They have been mismanaged. I do not want to see this Council put too much effort to try and tackle their problems. Thank you.

Council Chair Kaneshiro: I have a question for you folks or the Administration. Who makes the determination? We are going to have people bringing all this information. Is it our Real Property Tax Office that is looking for a certain... after Adam's presentation, I am completely confused on what it is that they will bring into our Real Property Tax Office and the Real Property Tax Office people there will say, "Okay, you are able to get the exemption." It does not sound like this "single piece

of paper” that will be certified by someone. How do we go about that without people bringing in a whole bunch of information and say, “I need a Homestead, because I am related to so-and-so” or “I should get *kuleana* because of my paperwork.” What is Real Property Tax going to do? Is there any “golden ticket” that they will receive that says, “Okay, if you have this specific thing, we will do it and if you do not, come back to us when you have it.” With this presentation, I am utterly confused. I foresee people coming in with a folder of information saying, “Give me the *Kuleana* Tax Rate because I have all this paperwork.” I do not know what our Real Property Tax Office will do with it?

Councilmember Evslin: I have a quick answer and I think we should also hear it from the Real Property Tax Office. For the *kuleana* portion, they are going to work with OHA to establish the lineal decent and it is a long process.

Councilmember Chock: That is the current process.

Councilmember Evslin: That does not change because we are not touching the actual Kuleana Exemption. The part that we are changing is “to show decent to the last living landowner.” According to OHA, it is pretty easy as we are only going back to the 1930’s or so. Birth and death records are all readily available online. You are able to come in theory and say, “Hey, here is my decent for this last living landowner.” It could be two (2) generations which is easy to show and only a couple of pages. The *kuleana* portion is the very complicated lengthy process. It would be great to hear from our Real Property Tax Office.

Council Chair Kaneshiro: Is it our department that will be working with OHA or is it the individual that wants to dedication?

Councilmember Chock: Mr. Chair, what happens right now is if anyone that wants the exemption, then they need to first go to OHA. Typically it has been through the Office of the County Attorney, which they will clear it to go the Real Property Tax Assessment Office. What we are looking for is not to exclude that process, but to offer a solution from the Real Property Tax Office to vet it. They have come up with some great examples and ways that they believe they can verify that.

Council Chair Kaneshiro: My questions is, how difficult will it be to implement this and are you folks prepared?

BRAD CONE, Real Property Tax Manager: Brad Cone, Real Property Tax Manager. This is an undefined intangible item. How many applications will we get? We agree with the intent, but, we will be apprehensive about the approval process and how much vetting will fall on our office. In regard to the Kuleana Land Exemption, that is difficult vetting. Does that fall on OHA, the Office of the County Attorney, or us? We

are a little vulnerable right now with regard to that issue. We are apprehensive. We are worried, but we agree with the intent.

Council Chair Kaneshiro: My only comment from now until the Committee Meeting, can you folks talk to get this process tighter so it does not become an information overload for the Real Property Tax Assessment Office.

Councilmember Chock: Thank you, Mr. Chair. We have had extensive conversations and I believe the apprehension is that what we have done is stepped back from the actual...should it be an affidavit, death certificate, or should it be some specific form that leads us to that verification process? When we talked to the Real Property Tax Assessment Office, we thought that it would be best that they would decide the proper venue. The options are still on the table, we are able to clarify to see if it needs to be in the Ordinance itself, I am not sure.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: The question I have is that it happens that the examples are ethnically Hawaiian but when I look at some of these properties, the grandfather or the father is the deceased. I do not think that there is any trouble determining that there is a lineal decent. At times, there may be ninety-five (95) cousins or at times it may be really large, even if there is only ten (10). What I am looking at is properties that fall under the class status of where it is valued over one million dollars (\$1,000,000) and they make well under one hundred thousand dollars (\$100,000). The person that lives on property, if the County were to say, "Let us look at all ninety-six (96) or ten (10) decedents," they are not going to fall within that category of being under one hundred thousand dollars (\$100,000). I can see where that is a challenge and it is something I am very supportive in trying to overcome. At times, different family members are trying to displace the person that is living on the land. By making the tax burden manageable, it keeps them on the land. When we are in the Committee Meeting, those are the types of questions that I would want to explore in trying to make sure that when we create a solution and not a series of challenges. Have you looked at that dynamic?

Mr. Cone: I think that the Bill will solve the issue that you are describing. That is a relatively simple situation that redefines owners so they can qualify for a home exemption such as, the Homestead Tax Rate, Commercialized Home Use, or LTL the Property. They would have the option to obtain the lower tax class. What you described is a fairly simple situation that is addressed in the Bill.

Councilmember Cowden: Thank you. I think that will be the majority.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Mr. Chair, I believe that is why we focused on “owner” to redefine “owner” and not messing with the process. What we found out from OHA is that the issue is not because we are not able to find out that the family is connected to the owner, it is when so many people are connected and what their connection is as it relates to them living on the property.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: May I suggest that you have another Bill? This Bill says “Kuleana Property Tax Exemption.” That is this Bill, correct?

Council Chair Kaneshiro: The presentation was labeled Kuleana Property Tax Exemption, but the actual Bill is related to Real Property Tax definitions.

Council Chair Kaneshiro: For me, if the other bill is proposed, I believe it will pass. Where you said the situation that she described – that is an easy fix, correct? That is the one you folks support. I think that should be a separate bill. The Bill that is “cloudy,” I believe it should be in another bill because I do not see that one being able to garner support. That is my thoughts.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: That is in this Bill. I think the part that makes it so “cloudy” is the current Kuleana Land Exemption, which is very hard to verify, it is a long process that was already messy and complicated. We are not touching that. We are only touching in how we look at it in verifying whether someone can even apply for that. Right now, if there is no one alive on the title, they cannot even apply for the Kuleana Land Exemption. All that this says is, if there is a descendant of this property... it is most likely that all of these titles are “cloudy” from the 1930’s, one (1) or two (2) generations, they will be able to go through the process that already exists. We are not touching that process, they would need to work with OHA on that. It is the very frontend of it.

Councilmember Kagawa: Is that process not already though? They are able to find an Attorney like Michael J. Belles who are professionals in gartering evidence to takeover property? I dislike that we are trying to make these Attorney’s decide for it to be challenged without any legal expertise. I do not want to put that onto their shoulders. To me, it is “cloudy” which is why I am saying, let us slow down to ensure everyone is onboard. We are able to pass the slam-dunk parts. That is my suggestion that is how I feel on this issue, I think it is very “cloudy.”

Councilmember Evslin: I think that you are totally right. We are not trying to establish who the actual owner of the property is. It is for Real Property Tax purposes. As specified in the Bill, this should not be used for any reason other than

that. We are not trying to give these folks the authority to give some actual ownership of the property. It will be a way we determine property tax. As far as the “unknown” aspects of the Bill, there is a three (3) year reapplication process. They would have to come into the office every three (3) years which could give us time to rethink the process at that time if it seems like it is a ton of burden that we were not expecting or something along those lines. Even if someone receives Homestead, they will need to come and reapply in three (3) years under this process. Do you folks have anything to add?

Mr. Cone: I would anticipate at times we would be referring questions to the Office of the County Attorney. It will depend on the complexity that is involved with the distant relative issues. For some, it will be simple and others a bit more complexed. We will refer to the Attorney for advice.

Council Chair Kaneshiro: Are there any other questions? I know this is only on Bills For First Reading. If not, thank you. We will take public testimony at this time. Is there anyone in audience wishing to testify on this item?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion before we take a vote? Councilmember Cowden.

Councilmember Cowden: I want to say that I am glad this is on the table and we will be looking at it. I found that this has been an issue that is a deep threat of displacing the remainder of some of our community in the oceanfront areas that have high land values even if the property is challenged.

Council Chair Kaneshiro: Is there anyone else? Councilmember Chock.

Councilmember Chock: I want to reiterate that because the word *kuleana*...which is really hard and we should have perhaps stepped back from that. We wanted to share where this was coming from and what the bigger issue is. I do not want the misconception of what we are doing is undermining or displacing the current process in terms of establishing lineal decent. What we are really doing is looking at how we open the door under the ownership definition, so that they can get it onto the table. I do not see a challenge with our Real Property Tax Assessment Office handling the processing. The issue is not about what work the family has to do upfront, that can and is being done now. It is when things get “clouded” with other people who are connected to the property.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin.

Councilmember Evslin: Councilmember Kagawa brought up a lot of good points as it relates to clearing title. These family members will still need to clear



title in order to get ownership of the land or be able to sell it, or use it in the way that they want too. What this does is gives them access to the current and existing exemptions while they go through that the process. I appreciate the discussion and I think we will have good discussion in the Committee Meeting.

Council Chair Kaneshiro:

Councilmember Kagawa.

Councilmember Kagawa: I actually owned a property that had numerous names besides mine. We abandoned the property because we could not find who the other parties who also owned the land. I do not know if they are even around? It was a small strip that was not buildable. There is so many out there. If we are talking about *kuleana* meaning Hawaiian type names...the one I spoke about had Hawaiian names also. I think the State should have a policy that allows distribution for those lands to Hawaiian people instead of having it sit or get abandoned. It is difficult for people to pursue because it is hard to find the other parties. I have been there and done that. I know that it is complicated and I do not want to put false hope or a job saying that the Real Property Tax Assessment will clear it up. It is so messy. I think that we need the State to help us with the larger solution to that problem. I do not make my comments to say that this is not important. What I am saying is that I do not know if we are the ones that should tackle this problem. I appreciate your work on this, I know that it is done with good intentions, but I am concerned that we could possibly be pulling the trigger too soon. I will be in support as long as I feel that the intentions are good and as long as the Department of Tax Assessment Office is okay with doing the job on their end. It is not going to get better unless we do something.

Council Chair Kaneshiro: Is there anyone else? For me, if we can get a clearer direction on what it is that they are bringing in of showing proof, I do not want our Real Property Tax Office having to be the ones to make a determination. To some extent, I know they are going to want to provide great customer service to walk them through the process, but they cannot be there all day spending hours trying to walk someone through a process when they have other work to do. The cleaner we are able to make it, the clearer we are able to say, "this is what you need to bring in specifically to the Real Property Tax Office to get this," is better for us. That is my only concern and comment. I will be supporting this on first reading, I understand the intent, and I hope we are able to clear those parts up. With that, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2756) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 14, 2019, and referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: We will take our ten (10) minute caption break, and we will probably be able to finish the rest of our meeting without stopping.

There being no objections, the meeting recessed at 10:10 a.m.

The meeting reconvened at 10:21 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back, we are now on the Plumbing Code.

SCOTT K. SATO, Deputy County Clerk: Chair, we are on the middle of page 6, Bill No. 2612, Draft 1 relating to the Plumbing Code.

Council Chair Kaneshiro: Are there any questions from the members for the Administration on this Bill? It has been three and one half (3 ½) years since this Bill has been introduced, that is pretty long. Is there anyone in the audience wishing to testify? Is there anyone who signed up?

Mr. Sato: Our first registered speaker is Ryan Kobayashi.

There being no objections, the rules were suspended to take public testimony.

RYAN KOBAYASHI: Good afternoon, Council Chair and Councilmembers. Out of respect to Councilmember Kagawa in saying that this Bill is likely to be deferred, I will make this brief. I am going to stand on my written testimony. I would like to report that yesterday at the Hawai'i State Building Code Council's Meeting, the Committee of four (4) Building Officials from all four (4) islands—the voters suggestion for an amendment to remove the IPC was voted down. The motion was made by Douglas Haigh, which demonstrates the Administration's desire to keep the IPC in the Code as an option. That is all for my testimony, thank you.

Council Chair Kaneshiro: Thank you. In looking at it now, it will probably be deferred as we only have five (5) members. With the members present, I do not think there is a way to make four (4) votes, voting either way. It is just a prediction. Kika, I am glad you are here and healthy.

KIKA BUKOSKI: I am back in the saddle. Good morning Chair, Vice Chair, and Councilmembers. Out of respect, I would like to keep my comments as brief as possible. Chair, I would like to take a moment and ask for your indulgence to say a few personal comments from a personal point of view. As some of you may know, I was not able to stay for the full hearing last week Wednesday due to some unfortunate and unforeseen circumstances. However, I did have an opportunity to meet your first responders which were terrific. This past May, Mayor Kawakami and you folks honored your first responders. My father is a retired police officer for the Kaua'i Police Department (KPD) Dispatch and I have a lot of respect for the first responders. Long story short, your County staff has been tremendous in helping me, being very helpful and courteous. Your Kaua'i Fire Department, Emergency Medical Services staff is amazing, and Wilcox Memorial Hospital. I love staying on Kaua'i, unfortunately it is not my way of spending an evening on the island. I stayed at Wilcox Memorial Hospital and received tremendous care. You folks have a wonderful first responder staff here on Kaua'i. Thank you to the Councilmembers who have reached out and gave me their well wishes et cetera. I am healthy, I am back in the saddle. I did not get a chance to congratulate Erica Byers last week on her award. To thank her especially on her work with Hō'ike Community Television. If it was not for her and the work that she does, I would not have been able to have watched the rest of the hearing; in which I did, three (3) times. I am appreciative for that, thank you very much.

I did want to make brief comments about the Bill. It is in similar line to the comments made by the previous speaker. He is somewhat correct, but not quite. I was actually at the Hawai'i State Building Code Council's Meeting yesterday. It was the full Council that supported tabling all discussion.

Council Chair Kaneshiro: Mr. Bukoski, that was your first three (3) minutes but you do have another three (3) minutes.

Mr. Bukoski: May I have my six (6) minutes from last week? I am just kidding.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify for the first time? If not, Mr. Bukoski, you are able to take your second three (3) minutes.

Mr. Bukoski: I know you folks have spent a lot of time on this. It is the discussion that you folks are having here that is driving the discussion at the Hawai'i State Building Code Council. I know the Public Works & Veterans Services Committee Chair has mentioned his frustration that "they should do more work and we should do more coordination efforts on that level." Yesterday, I was very encouraged to

hear from your building official in what we have been trying to advocate for all along. Let us have the discussion at the Hawai'i State Building Code Council. Let us uphold the integrity of the Hawai'i State Building Code, which by statute is the Uniform Plumbing Code, and let us identify the provisions and proponents of any other code that feels could enhance or improve the Hawai'i State Plumbing Code. Let us do at the Hawai'i State Building Code Council level. What was passed out yesterday was an agreement to table all discussions on any proposal...it does not signal the fact... by the way, it is not a "plumber's proposal." It is coming from the Committee Chair of the Investigative Committee of the Hawai'i State Building Code Council. It is not coming from us. What came out of the meeting was that all previous discussions would be tabled, we will start with a clean slate. We would have the 2018 Uniform Plumbing Code as published, we are going to identify...they have expanded the complexion of the Investigative Committee to include other stakeholders, so that we would have a broad spectrum for input. We are going to identify provisions that any fields, any code, any nationally published plumbing code, is able to enhance or improve the Hawai'i State Plumbing Code, which is by statute the Uniform Plumbing Code. If so, we will insert and amend the Hawai'i State Plumbing Code; therefore, what will come out of the Hawai'i State Building Code Council is a true compromise. It is what we have been advocating for all along. I testify to that, I have previously shared the same testimony last week Wednesday, which is what we are looking for. When we are talking about upholding the integrity of the Plumbing Code, we are not only talking about the Hawai'i State Plumbing Code, which by statute is the Uniform Plumbing Code, but also the process that has been setup by the Hawai'i State Legislature so that these discussions can occur at the Hawai'i State Building Code Council level. By the time you folks receive it, it is in hopes that all discussions are completed; therefore, you would not have to shoulder any burden any longer.

Council Chair Kaneshiro: Thank you, Mr. Bukoski. That is your time. Councilmembers, do you have any questions?

Mr. Bukoski: Chair, may I close?

Council Chair Kaneshiro: No, that was your time.

Mr. Bukoski: Okay.

Council Chair Kaneshiro: You will have more time, because I am almost certain that this Bill is going to be deferred. Councilmember Cowden, do you have a clarifying question?

Councilmember Cowden: Yes, am I hearing you say that you are hoping that we table this because the State will have to deal with this?

Mr. Bukoski: No, I am saying that the actions that this is body has taken in moving Bill No. 2612, Draft 1 forward, has caused the Hawai'i State Building Code Council to take this issue seriously. My conviction and commitment to support Bill No. 2612, Draft 1 is even stronger today, because of the comments that were made yesterday from your Building Official, basically indicating that he is willing to consider what we have been advocating for all along. It is because of the action that you folks are taking on Bill No. 2612, Draft 1. To close off of your questions, Bill No. 2612, Draft 1 that was passed out of the Committee Meeting...we appreciate the Chair and Vice Chair. It does three (3) things, it protects Kaua'i's public health, safety, and welfare. It protects your community and constituents. It provides the flexibility to insert any alternative provisions that could provide cost savings to lower the cost of construction. It allows Mayor Kawakami to realize his initiatives and goals in providing affordable housing for your constituents and community. Bill No. 2612, Draft 1 accomplishes all of those things. With that, I will save my testimony for the next hearing. I passed out handouts last week Wednesday, and I did not have a chance to explain them. There are specific handouts that I referred to certain information, if any of you folks have any questions regarding those handouts, I will available twenty-four seven (24/7), three hundred sixty-five (365) days a week.

Council Chair Kaneshiro: Thank you Mr. Bukoski. Is there anyone else in the audience wishing to speak a second time? Mr. Kobayashi.

Mr. Kobayashi: Ryan Kobayashi, with the Laborers Union. I think we have stated in prior testimony that this matter should be handled by the Hawai'i State Building Code Council. That is why we took that position. I do agree with Mr. Bukoski, however, my suggestion would be the opposite that this Council would consider tabling the issue on Kaua'i, until the Hawai'i State Building Code Council is able to come to a resolution as the actions of the Administration did demonstrate that they would like to see the Hawai'i State Building Code Council handle that and that the IPC remain in the Code. That is all I have for now. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Thank you. I want to thank Mr. Kobayashi and Mr. Bukoski. This issue is represented well by their unions. For all of us on the Council, as tough as this issue has been for the past three and one half (3 ½) years, putting a lot of stress on our Staff creating unnecessary work when a bill takes a long time. To Jenelle and the Staff, a big *mahalo*. I wish we could have done it earlier. If you look at the positive, we know our Laborers International Union Local 368 and our Plumbers

and Fitters Union Local 675. If we did not have a Bill like this, we would not have this personal relationship with them. The issues do go on. In the next few years, we have a lot of Capital Improvement Projects (CIP) going out. Having a personal relationship with our Laborers International Union Local 368 and our Plumbers and Fitters Union Local 675, we may have to call on them in the future to get things done. While this has been tedious, it has been a blessing for us to get to know our representatives of the unions. To expect the Council to agree or disagree with the Union one hundred percent (100%) of the time is unrealistic, especially in today's day. The public expects their elected officials to longer be rubberstamps. They want us to be independent and not only thinking about certain *mo'opuna*, but all of the Kaua'i's *mo'opuna*. It disturbs me when I hear, "Wow, you are against me so now you are not my friend." Unfortunately, we took this job, we knew that the job was tough when we took it, we needed to be who we whoever we wanted to be when serving. It tells me, that I should always go with my heart and I will never go wrong. This is a Plumbing Bill, the plumbers does not have an easy job, and they have saved us in time of need. When we have backups going into our house, when we need things done immediately to not cause further damage. The plumbers are the ones that are there for us and they are the only ones that can do the job. Most of the plumbers on Kaua'i are not here to advocate for themselves, which is why they have their union leaders; however, when we call them, they will be there. They show up every day. My vote is to appreciate the humble plumbers that are busy working, helping people on Kaua'i with their everyday needs. When their union tells me that this is an important issue...for this issue, I am going to disagree with my friend from the Laborers International Union Local 368, and we are going to continue to work together moving forward. This is just one (1) issue. We will not be able to agree with each other one hundred percent (100%) of the time. That is very unrealistic and that is not what the public expects.

Council Chair Kaneshiro: My suggestion is that we defer this Bill. Councilmember Brun is not here to take the vote. I do not want to guess what his vote will be. If he is not here, it will be a silent vote yes. If I were to say if his vote is yes, we are not going to be able to get four (4) votes on anything. I would recommend to defer. I will let everybody say what they need to say, and, we will take a deferral when you are done. Is there anyone else?

Councilmember Kagawa: I have not changed from last week.

Council Chair Kaneshiro: Are there any other comments? Can I get a motion to defer.

Councilmember Cowden moved to defer Bill No. 2612, Draft 1, seconded by Councilmember Chock, and carried by the following vote:

FOR DEFERRAL:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6*,
AGAINST DEFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Motion to defer passes.

*(Councilmembers Chock and Evslin were recused from Bill No. 2752.)*

Council Chair Kaneshiro: Next item. One moment. Councilmember Chock and Councilmember Evslin is recused.

Councilmember Cowden: Why is Councilmember Chock recused?

Council Chair Kaneshiro: He is going to ethics on it. I believe Councilmember Brun is on his way up.

Ms. Fountain-Tanigawa: Do you want to go to the next item?

Council Chair Kaneshiro: Let us call everyone back and we will take the Collective Bargaining, then move to the next item. While they are still here, let us read Bill No. 2753.

*(Councilmembers Chock and Evslin were noted as present.)*

Bill No. 2753 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2019 AND JUNE 30, 2021: Councilmember Kagawa moved to approve Bill No. 2753, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Thank you. I want to state for the record that this is a United Public Workers (UPW), our hardworking blue-collared union members. I believe it is a generous three point two percent (3.2%) per year package. It is not two percent (2%) because they put a one point two percent (1.2%) increase to equate the step movements that Hawai'i Government Employees Association (HGEA) and the Hawai'i State Teachers Association (HSTA) are likely to receive. Being that UPW does not have step movements, it will be a straight three point two percent (3.2%) increase. I will support with hesitance, I feel that we need wage reformation for UPW. We have shortages in trades such as plumbing and electrical. We have over one hundred (100) applicants for regular laborer, which you do not need a high school diploma and they get paid well, forty thousand dollars (\$40,000) per year. We have some jobs that are UPW that are paying very well and we have some positions that are really important for our County to fill, but the salaries are not high enough to compare to the private sector where they are able to fill the positions of the plumbers and electricians. We need to reform the wages so that it is realistic with the private sector. Giving a straight three point two percent (3.2%) to everyone does not solve anything. With the cost of living inflation, it does help to pay bills. I have been a union member for the past twenty (20) plus years, most of which is with HSTA. We heard the Fire Department say, "We need the five percent (5%) raise because we are not able to strike." At HSTA we went to strike twice, for the two (2) times we did, we struck out badly. It is not all rosy to have the ability to strike. We received a one percent (1%) raise after being off for three (3) months. Teachers here are paid forty-ninth (49<sup>th</sup>) in the Nation. I do not think forty-two thousand dollars (\$42,000) per year for a laborer is forty-ninth (49<sup>th</sup>) in the Nation. It is what it is. What I am saying is I feel that we need a bigger and better strategy moving forward in dealing with the union increases. It should be increases based on vacancies and lack of applicants that is a true business model that will follow the successful private sector. Whether you get one thousand (1,000) applicants or no applicants, giving out raises to everyone will not solve the problem that we have out there with our labor force. I will be supporting hesitantly. Council Chair Kaneshiro and I received negative E-mails after we voted for the Fire Department. After they already won...to me, that is purely arrogant. You already won and received your five percent (5%) yearly. What is the purpose? We do not vote on the Bill because "we know that person, that is my friend's son and I want to give him a five percent (5%) raise." That is now why we are elected. We are not elected to take care of "personal family or friends." We are here to represent the *mo'opuna* of the whole County. Not the *mo'opuna* of a few union members. If you are in this to do that, I would make a guess that is really close to being a "rubberstamp" which I am far from. Thank you.

*(Councilmember Brun was noted as present.)*



Council Chair Kaneshiro: Is there anyone else? We put up a big opposition to the fire contract. I will be in full support of this contract. We are looking at a three point two (3.2%) increase, no bonuses, no step movements, and their pay range is from forty-one thousand dollars (\$41,000) to seventy-eight thousand dollars (\$78,000). In other contracts, we are looking at pay ranges or total compensation packages that range from seventy thousand dollars (\$70,000) to over one hundred fifty thousand dollars (\$150,000). For me, I am glad they are receiving the raises that they need. I will be supporting this Bill. Councilmember Cowden.

Councilmember Cowden: I will be supporting this Bill because we really value and see the need for our blue-collar workers. Many of them whom are struggling to get by and it is really important to be cleaning the bathrooms at the parks. I want to honor what Councilmember Kagawa said. My background is completely union free. I have always been in the private sector industry. I am very surprised and it is very confining to not be paying per job position. I understand what he is saying and we need to be filling the positions that we cannot fill based on the skillset that is presented on the table. I am very comfortable in supporting this particular Bill for this union knowing that they are not our highest paid people.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin.

Councilmember Evslin: I am in full support as we are talking about the frontline of our County. In a lot of ways, these are the folks that most people have interaction with on a day-to-day basis whether in our parks or elsewhere. In so many ways, they really keep the County together. As we talked about cost of living increase for 2019 of two point eight percent (2.8%), and this is pretty close in line with that. I agree with Councilmember Kagawa in saying that I was surprised during budget in how many chronically vacant positions we have. For Park Rangers, we have two (2) of five (5) or six (6) positions filled. If we are only able to fill two (2) of six (6), that is maybe the reason why we have abuse in our parks or with people leaving all their trash around, because we do not have the enforcement. Whatever we are able to do to try and fix these gaps, I am in full support to do. Yes, I support this Bill.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion to approve Bill No. 2753, on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin,	
	Kagawa, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Motion passes. Let us go back to Bill No. 2752, which I believe Councilmember Evslin and Councilmember Chock are recused. We do have an Executive Session, please stick around.

*(Councilmembers Chock and Evslin was noted as recused from Bill No. 2752.)*

Bill No. 2752 – A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN PUHI, KAUAI *(Island School, Applicant) (ZA-2019-2)*: Councilmember Kagawa moved to approve Bill No. 2752 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Chair Kaneshiro: Are there any questions for the Administration on this? If not, is there anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final comments from the members? We will take a roll call vote.

The motion to approve Bill No. 2752, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Cowden, Kagawa, Kaneshiro	TOTAL – 4,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	Chock, Evslin	TOTAL – 2.

Ms. Fountain-Tanigawa: Motion passes.

Council Chair Kaneshiro: Motion passes. Mr. Belles, did you want to make a comment?

There being no objections, the rules were suspended to take public testimony.

MICHAEL J. BELLES: Good morning Council Chair and Councilmembers. For the record, my name is Michael Belles representing Island School. I understand Councilmember Brun is not feeling and I am really sorry. If he wants to excuse himself, I completely understand. My sole purpose of coming here today is to correct an oversight on my part from last week. When I was recognizing and acknowledging the various people who has helped us along this seven (7) year journey from the General Plan Amendment in 2013 through today with the Zoning Amendment; I think everyone except the ones who are most important who are the

people that work for you, the County Clerk, the Deputy County Clerk, and your personal secretary. Everyone has been so helpful, instructive, and cooperative throughout the entire process and for me not to have recognized them, shame on me and I deeply apologize for that. They are some of the hardest working, most committed people that I had every have the privilege of working with. They make this a much better community and County. I know I am preaching to the choir when I tell you all of this, but they rarely hear it in public and they frequently get comments and critics but never the pat on the head in which they need. I wanted to make that brief comment, thank you very much again for your vote today.

Council Chair Kaneshiro: Thank you. Clerk, can you read us into Executive Session.

*(Councilmembers Chock and Evslin were notes as present.)*

Ms. Fountain-Tanigawa: Chair, on page 7, Executive Session.

*(Councilmember Brun was noted as not present.)*

#### EXECUTIVE SESSION:

ES-995 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item: Councilmember Kagawa moved to convene in Executive Session for ES-995, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members?

The motion to convene in Executive Session for ES-995 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6*,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Council Chair Kaneshiro: With that, we will be back at 1:30 p.m. for public hearing.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:50 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

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